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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3642 OF 2007

Office Notes, Office Memoranda of : coram, appearances, Court's Orders: or directions and Registrar Orders:	Court's or Judge's orders

Mr.M. Kocharekar for the applicant.

Mr.K.V. Saste, A.P.P. for the State.

CORAM : D.G. KARNIK, J.

DATE : 27TH NOVEMBER 2007

P.C. :

1. Heard learned counsel for the applicant and the learned A.P.P. for the State.

2. This application is moved under section 438 of Cr.P.C. for anticipatory bail in connection with the crime bearing C.R. No.I/100/2007 punishable under sections 307, 394, 363, 341, 109, 427 and 506 of I.P.C. and section 25 (C) of the Arms Act registered with the Nalasopara Police Station.

3. Learned A.P.P. for the State submits that the investigation is still not complete and is going on and the applicant is required for the purpose of custodial investigation.

4. The offence alleged against the applicant is serious in nature. The complainant has given a statement implicating the present applicant. In the circumstances, the submission of the learned A.P.P. that the applicant is needed for custodial investigation is required to be accepted.

5. Previously, the applicant had made an application for anticipatory bail before the Sessions Court. By an order dated 23rd October 2007, the learned Additional Sessions Judge rejected the said application. I see no reason to take a different view than the view taken by the learned Sessions Judge. In the circumstances, the application for bail is rejected.

6. It is clarified that if the

applicant makes an application for regular bail after his arrest, it shall be considered on merits without being influenced by any of the observations made in this order.

(D.G. KARNIK, J.)